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MAR 01 2000

In re Application of :
Jack Wassom, Renee Schaefer, Cory :
Chandler :
Application No. 09/224,211 :
Filed: December 30, 1998 :
For: CUSTOMIZED USER INTERFACE :

SPECIAL PROGRAMS OFFICE
DAG FOR PATENTS
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed July 29, 1999, certificate of mailing July 26, 1999.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor in compliance with 37 CFR 1.63. (If a declaration is filed by the currently non-signing inventor, please make sure that the declaration lists all inventors and does not suggest that the inventor is a sole inventor, such a declaration will neither comply with 37 CFR 1.63 nor evidence that the inventor is willing to join in the filing of this application.) Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 30, 1998, without an executed oath or declaration and naming Jack Wassom, Renee Schaefer, and Cory Chandler as a joint inventors.

Accordingly, on January 28, 1999, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on July 29, 1999, the instant petition was filed.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the

last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), applicant appears to demonstrate that Mr. Chandler was only presented with the declaration. Unless Mr. Chandler was presented with a copy of the application papers (specification, claims and drawings), Mr. Chandler could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given.

As to item (2), the declaration signed by Jack Wassom and Renee Schaefer does not list the residence, post office address and citizenship of Cory Chandler, the post office address of Jack Wassom or the citizenship and post office address of Renee Schaefer as is required by 37 CFR 1.63 and 1.64. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
 2201 South Clark Place
 Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-3159.



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